

homeless veterans that are identified in the assessment conducted under subsection (b); and

(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.

(Added Pub. L. 105-114, title II, § 202(a), Nov. 21, 1997, 111 Stat. 2286.)

PRIOR PROVISIONS

A prior section 1774 to 1777 were renumbered sections 3674 to 3677 of this title, respectively.

Another prior section 1777 was renumbered section 1778 of this title.

Prior section 1778 was renumbered section 3678 of this title.

Another prior section 1778 was renumbered section 1779 of this title.

Prior sections 1779 to 1786 were renumbered sections 3679 to 3686 of this title, respectively.

Another prior section 1786, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1787 was renumbered section 3687 of this title.

Another prior section 1787, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1788 was renumbered section 3688 of this title.

Another prior section 1788 was renumbered section 1792 of this title.

Prior section 1789 was renumbered section 3689 of this title.

Another prior section 1789, which required the Administrator not to approve of enrollments in courses in institutions listed by the Attorney General under section 12 of Ex. Ord. No. 10450, was renumbered section 1793 of this title.

Prior section 1790 was renumbered section 3690 of this title.

Another prior section 1790 was renumbered section 1794 of this title.

Prior section 1791 was renumbered section 3691 of this title.

Another prior section 1791 was renumbered section 1795 of this title.

Prior sections 1792 and 1793 were renumbered sections 3692 and 3693 of this title, respectively.

Another prior section 1793, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1789; amended Pub. L. 91-24, § 15, June 11, 1969, 83 Stat. 35; renumbered and amended Pub. L. 92-540, title III, § 316(2), title IV, § 403(12), Oct. 24, 1972, 86 Stat. 1086, 1090, required that the Administrator not to approve of enrollment in any course in an institution listed by the Attorney General under section 12 of Executive Order 10450, prior to repeal by section 511(1) of Pub. L. 94-502.

Prior sections 1794 to 1799 were renumbered sections 3694 to 3699 of this title, respectively.

CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA

Sec.

- 1801. Definitions.
- 1802. Spina bifida conditions covered.
- 1803. Health care.
- 1804. Vocational training and rehabilitation.
- 1805. Monetary allowance.
- 1806. Applicability of certain administrative provisions.

Sec.

AMENDMENTS

1997—Pub. L. 105-114, title IV, § 404(b)(2), Nov. 21, 1997, 111 Stat. 2295, substituted “Applicability of certain administrative provisions” for “Effective date of awards” in item 1806.

§ 1801. Definitions

For the purposes of this chapter—

(1) The term “child”, with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(2) The term “Vietnam veteran” means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual’s service.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105-114, title IV, § 404(a), Nov. 21, 1997, 111 Stat. 2294.)

PRIOR PROVISIONS

A prior section 1801 was renumbered section 3701 of this title.

AMENDMENTS

1997—Pub. L. 105-114 amended text generally. Prior to amendment, text read as follows: “For the purposes of this chapter—

“(1) The term ‘child’, with respect to a Vietnam veteran, means a natural child of the Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the veteran first entered the Republic of Vietnam during the Vietnam era.

“(2) The term ‘Vietnam veteran’ means a veteran who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.”

EFFECTIVE DATE OF 1997 AMENDMENT

Section 404(d) of Pub. L. 105-114 provided that: “The amendments made by this section [amending this section and sections 1804 and 1806 of this title] shall take effect as of October 1, 1997.”

EFFECTIVE DATE

Chapter effective Oct. 1, 1997, notwithstanding section 421(d) of Pub. L. 104-204, set out below, unless legislation other than Pub. L. 104-204 is enacted providing for an earlier effective date, see section 422(c) of Pub. L. 104-204, set out as an Effective Date of 1996 Amendment note under section 1151 of this title.

Section 421(d) of Pub. L. 104-204 provided that: “This section [enacting this chapter and amending section 5312 of this title] and the amendments made by this section shall take effect on January 1, 1997.”

CONGRESSIONAL PURPOSE

Section 421(a) of Pub. L. 104-204 provided that: “The purpose of this section [enacting this chapter and amending section 5312 of this title] is to provide for the special needs of certain children of Vietnam veterans who were born with the birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.”

§ 1802. Spina bifida conditions covered

This chapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923.)

PRIOR PROVISIONS

A prior section 1802 was renumbered section 3702 of this title.

§ 1803. Health care

(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition.

(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

(c) For the purposes of this section—

(1) The term “health care”—

(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

(B) includes—

(i) the training of appropriate members of a child's family or household in the care of the child; and

(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

(2) The term “health care provider” includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions, and any other entity or individual who furnishes health care that the Secretary determines¹ authorized under this section.

(3) The term “home care” means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence.

(4) The term “hospital care” means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

(5) The term “nursing home care” means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

(6) The term “outpatient care” means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

(7) The term “preventive care” means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary deter-

mines necessary to provide effective and economical preventive health care.

(8) The term “habilitative and rehabilitative care” means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(9) The term “respite care” means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923.)

PRIOR PROVISIONS

A prior section 1803 was renumbered section 3703 of this title.

§ 1804. Vocational training and rehabilitation

(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may provide vocational training under this section to a child of a Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

(b) Any program of vocational training for a child under this section shall—

(1) be designed in consultation with the child in order to meet the child's individual needs;

(2) be set forth in an individualized written plan of vocational rehabilitation; and

(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.

(c)(1) A vocational training program for a child under this section—

(A) shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment; and

(B) may include a program of education at an institution of higher learning if the Secretary determines that the program of education is predominantly vocational in content.

(2) A vocational training program under this subsection may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment.

(d)(1) Except as provided in paragraph (2) and subject to subsection (e)(2), a vocational training program under this section may not exceed 24 months.

(2) The Secretary may grant an extension of a vocational training program for a child under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan of vocational rehabilitation formulated for the child pursuant to subsection (b).

¹ So in original.

(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.

(e)(1) A child who is pursuing a program of vocational training under this section and is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both such programs concurrently. The child shall elect (in such form and manner as the Secretary may prescribe) the program under which the child is to receive assistance.

(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2924; amended Pub. L. 105-114, title IV, § 404(c), Nov. 21, 1997, 111 Stat. 2295.)

PRIOR PROVISIONS

A prior section 1804 was renumbered section 3704 of this title.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105-114, § 404(c)(1), substituted “shall—” for “shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation.” and added pars. (1) to (3).

Subsec. (c)(1)(B). Pub. L. 105-114, § 404(c)(2), substituted “higher learning” for “higher education”.

Subsec. (d)(3). Pub. L. 105-114, § 404(c)(3), added par. (3).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-114 effective Oct. 1, 1997, see section 404(d) of Pub. L. 105-114, set out as a note under section 1801 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1803 of this title.

§ 1805. Monetary allowance

(a) The Secretary shall pay a monthly allowance under this chapter to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

(b)(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

(3) The amounts of the allowance shall be \$200 per month for the lowest level of disability prescribed, \$700 per month for the intermediate level of disability prescribed, and \$1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

(c) Notwithstanding any other provision of law, receipt by a child of an allowance under this section shall not impair, infringe, or otherwise affect the right of the child to receive any other benefit to which the child may otherwise be entitled under any law administered by the Secretary, nor shall receipt of such an allowance impair, infringe, or otherwise affect the right of any individual to receive any benefit to which the individual is entitled under any law administered by the Secretary that is based on the child's relationship to the individual.

(d) Notwithstanding any other provision of law, the allowance paid to a child under this section shall not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2925.)

PRIOR PROVISIONS

A prior section 1805 was renumbered section 3705 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5312 of this title.

§ 1806. Applicability of certain administrative provisions

The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2926; amended Pub. L. 105-114, title IV, § 404(b)(1), Nov. 21, 1997, 111 Stat. 2294.)

PRIOR PROVISIONS

Prior section 1806 was renumbered section 3706 of this title.

Prior section 1807, added Pub. L. 94-324, § 2(a), June 30, 1976, 90 Stat. 720; amended Pub. L. 97-72, title III, § 303(d), Nov. 3, 1981, 95 Stat. 1060, related to service after July 25, 1947, and prior to June 27, 1950, prior to repeal by Pub. L. 100-322, title IV, § 415(a)(4), May 20, 1988, 102 Stat. 550.

Prior sections 1810 to 1812 were renumbered sections 3710 to 3712 of this title, respectively.

Another prior section 1812, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1210, automatically guaranteed loans made to a veteran if made for the purpose of purchasing farms and farm equipment, prior to repeal by Pub. L. 93-569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1813 was renumbered section 3713 of this title.

Another prior section 1813, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, automatically guaranteed loans made to a veteran if made for the purpose of purchasing business property, prior to repeal by Pub. L. 93-569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1814 was renumbered section 3714 of this title.

Another prior section 1814, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, Pub. L. 86-665, § 3, July 14, 1960, 74 Stat. 531; Pub. L. 87-84, § 1(c), July 6, 1961, 75 Stat. 201, automatically guaranteed loans made to a veteran if made for the purpose of refinancing delinquent indebtedness, prior to repeal by Pub. L. 93-569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1815 was renumbered section 1803(a)(2) of this title.

Prior section 1816 was renumbered sections 1832 and 1833 of this title.

Prior sections 1817 and 1817A were renumbered sections 1813 and 1814 of this title, respectively.

Prior section 1818, added Pub. L. 89-358, §5(a), Mar. 3, 1966, 80 Stat. 25; amended Pub. L. 91-506, §2(e), Oct. 23, 1970, 84 Stat. 1108; Pub. L. 93-569, §8(6), (7), Dec. 31, 1974, 88 Stat. 1866, 1867; Pub. L. 94-324, §4, June 30, 1976, 90 Stat. 720; Pub. L. 95-476, title I, §106(a), Oct. 18, 1978, 92 Stat. 1499; Pub. L. 97-72, title III, §303(g), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 97-295, §4(66), Oct. 12, 1982, 96 Stat. 1310, related to service after Jan. 31, 1955, and prior to Aug. 5, 1964, or after May 7, 1975, prior to repeal by Pub. L. 100-322, title IV, §415(b)(3), May 20, 1988, 102 Stat. 551.

Prior section 1819 was renumbered section 1812 of this title.

Prior sections 1820 and 1821 were renumbered sections 3720 and 3721 of this title, respectively.

Prior section 1822, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1214; Pub. L. 89-358, §5(c), Mar. 3, 1966, 88 Stat. 26; Pub. L. 89-623, §1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 90-301, §2(b), May 7, 1968, 82 Stat. 113, provided for bringing of an action in district court, by veteran or Attorney General, against one who knowingly participated in sale of property to a veteran for consideration in excess of reasonable value of property, prior to repeal by Pub. L. 93-569, §§7(a), 10, Dec. 31, 1974, 88 Stat. 1866, 1867, effective Dec. 31, 1974.

Prior sections 1823 and 1824 were renumbered sections 3723 and 3724 of this title, respectively.

Another prior section 1824 was renumbered section 1825 of this title.

Prior sections 1825 to 1832 were renumbered sections 3725 to 3732 of this title, respectively.

Another prior section 1832 was renumbered section 1833(d) of this title.

Prior sections 1833 to 1835 and 1841 to 1851 were renumbered sections 3733 to 3735 and 3741 to 3751 of this title, respectively.

AMENDMENTS

1997—Pub. L. 105-114 substituted “Applicability of certain administrative positions” for “Effective date of awards” in section catchline and amended text generally. Prior to amendment, text read as follows: “The effective date for an award of benefits under this chapter shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application for the benefits.”

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-114 effective Oct. 1, 1997, see section 404(d) of Pub. L. 105-114, set out as a note under section 1801 of this title.

CHAPTER 19—INSURANCE

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